REMARKS/ARGUMENTS

The Office Action of August 17, 2006, has been reviewed and these remarks are responsive thereto. Claims 28, 30, 43, 44, 46, 49-59 and 61-64 have been amended. Reconsideration and allowance of the application is respectfully requested upon entry of the present amendment.

Claim Rejections Under 35 U.S.C. §112

Claims 28, 44, 46, 49, 55 and 62 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have amended these claims to be in a more preferred form rendering this rejection moot.

Claim Rejections Under 35 U.S.C. §102

Claims 28-31, 34-36, 39, 40 and 42-57 and 60-64 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bruck *et al.* (U.S. Patent No. 6,691,165, hereinafter "Bruck"). This rejection is respectfully traversed for the following reasons.

Amended independent claims 28, 46 and 49 relate to, *inter alia*, an SSL relay establishing a connection between a first node and a second node, wherein the connection includes an SSL connection between the SSL relay and the first node, and clustering state information of the communication path. Nowhere does Bruck teach or suggest such features. In particular, Bruck does not disclose SSL relays that establish connections between a first node and a second node. The Office Action asserts that Bruck discloses SSL relays by describing a controller for configuring a distributed server, wherein the controller communicates with the distributed server through an SSL network communication connection. Col. 27, ll. 49-52. Even so, merely providing configuration of distributed servers through an SSL network communication connection does not make either the distributed server or the controller an SSL relay. In other words, neither the controller nor the distributed server relays data sent through the SSL connection from a first node to a second node (e.g., a client and a server, respectively). In an alternative manner, Bruck is directed to clustering TCP protocol connections between a client and a server rather than SSL connections and transmissions. *See, e.g.*, Col. 8, ll. 16-39. Nowhere does Bruck teach or suggest that the client and the server transmit data to one another

using SSL protocol. Bruck also fails to teach or suggest SSL relays that facilitate such connections and transmissions. As such, claims 28, 46 and 49 are allowable for at least this reason.

Amended independent claim 44 recites, *inter alia*, "a first SSL relay configured to cluster an SSL handshake following reception of the SSL client handshake from the first node." Nowhere does Bruck teach or suggest an SSL handshake, much less clustering an SSL handshake. At most, Bruck discloses establishing a connection between two machines following an exchange of messages including synchronization segment messages, acknowledgment messages and SYN-acknowledgment messages. Col. 25, line 64 – Col. 26, line 2. Even so, such an exchange of messages does not constitute an SSL handshake nor does Bruck teach or suggest clustering this exchange of message (i.e., the alleged handshake). As such, claim 44 is allowable for at least this reason.

Claims 29-31, 34-36, 39, 40 and 42, 43, 45, 47, 48, 50-57 and 60-64 are dependent on independent claims 28, 44, 46 and 49, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein. For example, claim 34 recites, *inter alia*, "sharing an SSL session cache across all of the at least two SSL relays." Contrary to the assertions of the Office Action, Bruck does not teach or suggest such a feature. The Office Action cites col. 16, line 66 to col. 17, line 6 for support in its rejection. However, the cited passage merely describes an ARP cache, not an SSL session cache. Further, the ARP cache is not a shared cache; rather, each client and router on the subnet has their own respective ARP cache. Col. 17, ll. 6-10. As such, claim 34 is allowable for this additional reason.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 37, 38 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bruck in view of Weinstein *et al.* (U.S. Patent No. 6,094,485, hereinafter "Weinstein"). This rejection is respectfully traversed for the following reasons.

Claims 37, 38 and 41 are dependent on claim 28 and thus are allowable over Bruck for at least the same reasons as discussed above. Claims 37, 38 and 41 are further allowable over the asserted combination of Bruck and Weinstein since Weinstein fails to cure the deficiencies of

Bruck identified above. Still further, there would be no motivation to combine Weinstein with neither Bruck nor Weinstein teach or suggest a need or desire to cluster state information of SSL communications between a first node and a second node through a relay. As such, one of ordinary skill in the art would not have been motivated to combine the features of SSL protocol disclosed in Weinstein with the TCP clustering system described in Bruck since doing so would be superfluous. Claims 37, 38 and 41 are thus allowable for at least this reason.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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